

REGULAR MEETING.

COUNCIL CHAMBER,  
CITY OF INDIANAPOLIS,  
July 17, 1899. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, July 17, 1899, at 8 o'clock, in regular meeting.

Present, Hon. John H. Mahoney, President of the Common Council, in the chair, and 19 members, viz.: Messrs. Allen, Bernauer, Bowser, Clark, Costello, Crall, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith and Von Spreckelsen.

Absent—2 viz.: Messrs. Colter and Harston

The Clerk proceeded to read the Journal, whereupon Councilman Costello moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

COMMUNICATIONS, ETC., FROM MAYOR.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS,  
INDIANAPOLIS, IND., July 5, 1899. }

*To the President and Members of the Common Council:*

Gentlemen—I have this day approved the following ordinances:

G. O. No. 30, 1899. An ordinance ratifying, confirming and approving a certain contract and agreement entered into on the 28th day of June, 1899, between the City of Indianapolis, by and through its Board of Public Works, and the Indianapolis Gas Company.

G. O. No. 32, 1899. An ordinance repealing an ordinance entitled "An ordinance regulating the distribution and consumption of artificial gas; fixing the price thereof, and matters connected therewith; prescribing

a penalty, and fixing a time when the same shall take effect," passed by the Common Council August 2d, 1897, and approved by the Mayor August 9th, 1897, and fixing a time when the same shall take effect.

Respectfully submitted,

T. TAGGART,  
*Mayor.*

Which was read and ordered spread on the minutes.

His Honor, the Mayor, presented the following communication:

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS,  
INDIANAPOLIS, IND., July 11, 1899. }

*To the President and Members of the Common Council:*

Gentlemen—I have this day approved the following ordinances:

G. O. No. 23, 1899. An ordinance permitting Thomas X. Logan to erect a frame building within the fire limits of the City of Indianapolis.

G. O. No. 27, 1899. An ordinance authorizing the transfer of \$1,900 from funds of the Department of Public Safety to other than those to which it was originally appropriated.

G. O. No. 29, 1899. An ordinance approving a certain contract granting Henry L. Spiegel the right to lay and maintain a switch or side-track across Oriental street.

Respectfully submitted,

T. TAGGART,  
*Mayor.*

Which was read and ordered spread on the minutes.

#### REPORTS FROM OFFICIAL BOARDS.

Communication from Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD,  
INDIANAPOLIS, IND., July 17, 1899. }

*To the President and Members of the Common Council:*

Gentlemen—We send you herewith for your consideration and action, a contract this day entered into with Indianapolis Hominny Mills, granting said mills the right to lay and maintain one switch or side-track across Madison avenue and Minnesota street.

Very respectfully,

M. A. DOWNING,  
W. SCOTT MOORE,  
T. J. MONTGOMERY,  
*Board of Public Works.*

Which was read and referred to Committee on Contracts and Franchises.

## REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Costello, on behalf of the Committee on Finance, to which was referred:

App. O. No. 13, 1899. An ordinance appropriating the sum of two thousand dollars (\$2,000) for the use of the Department of Public Health and Charities of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., July 14, 1899.

*Mr. President:*

We, your Committee on Finance, to whom was referred App. O. No. 13, 1899, have had the same under consideration, and would recommend its passage.

JAS. H. COSTELLO.  
FRANK S. CLARK.  
E. D. MOFFETT.  
ROBERT M. MADDEN.  
RICHARD MERRICK.  
W. F. SMITH.  
J. W. MCGREW.  
J. R. ALLEN.  
EDWARD E. BERNAUER.

Which was read and concurred in.

Mr. Knight, on behalf of the Committee on Railroads, to which was referred:

G. O. No. 34, 1899. An ordinance requiring the Cleveland, Cincinnati, Chicago & St. Louis Railway Company to station and maintain a flagman at the point on Hillside avenue in the City of Indianapolis where the tracks of said company cross the same, providing a penalty for the violation thereof, and fixing the time when the same shall take effect.

Made the following report:

INDIANAPOLIS, IND., July 17, 1899.

*Mr. President:*

We, your Committee on Railroads, have had under consideration G. O. No. 34, 1899, and do recommend that the same do pass.

W. W. KNIGHT.  
E. W. LITTLE.  
JOHN H. CRALL.  
EDWARD E. BERNAUER.

Which was read and concurred in.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business, the following ordinance was introduced:

By Board of Public Works:

G. O. No. 33, 1899 An ordinance approving a certain contract granting Indianapolis Hominy Mills the right to lay and maintain a switch or side-track across Madison avenue and Minnesota street, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit, on July 17, 1899, the Board of Public Works of the City of Indianapolis, made and entered into a certain contract with Indianapolis Hominy Mills, of the County of Marion, State of Indiana, which contract is as follows:

Whereas, heretofore, to-wit, on July 17, 1899, the Indianapolis Hominy Mills filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

## PETITION.

INDIANAPOLIS, IND., July 17, 1899.

*To the Board of Public Works of the City of Indianapolis:*

Gentlemen—The undersigned, Indianapolis Hominy Mills, respectfully petitions your honorable body, asking permission to construct and maintain one switch or side-track across Madison avenue and Minnesota street, as shown by the drawings herewith submitted, attached hereto, filed herewith, and for greater certainty marked "Exhibit B."

Your petitioner prays that the privilege and authority herein requested shall be granted upon such terms and conditions as may hereinafter be agreed upon by contract.

Respectfully submitted,

INDIANAPOLIS HOMINY MILLS,

By HERVEY BATES,

*President.*

Now therefore, This agreement, made and entered into this July 17, 1899, by and between Indianapolis Hominy Mills, of the County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part:

Witnesseth, That said party of the first part, being desirous of securing a right of way for a switch or side-track over and across Madison avenue and Minnesota street, in the City of Indianapolis, as more specifically described in the petition of said first party, hereto attached and made a part of this contract, hereby covenants and agrees and binds itself, its successors, legal representatives and assigns, that in consideration of the privileges and authority herein given, it will lay, construct and maintain said switch or side-track, upon the terms and conditions hereinafter set forth, to-wit:

1. It shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

2. Said track or switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision, and to its satisfaction and approval. Said side-track or switch shall be raised or lowered to conform to any grade which may be hereafter established, whenever so ordered in writing by said Board.

3. The crossing where said side-track or switch crosses or intersects Madison avenue and Minnesota street shall at all times be kept improved and in repair, and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing, or to be thereon, except for such time as may be absolutely necessary in moving them back and forth, but they shall at no time be stopped or detained thereon in such a manner as to obstruct public travel.

4. Said party of the first part agrees, at the pleasure and written order of said Board, to take up and remove said side-track or switch, and upon its failure so to do upon such notification, in writing, of ten (10) days, to promptly pay the cost of having the same done. And said party of the first part hereby releases all claim for damages whatsoever that may arise by reason of such removal, and in removing said side-track or switch said Board shall in no wise become a trespasser.

5. In case the City of Indianapolis shall, by proper legal proceedings, order the railroad tracks crossing the streets, avenues and public places of said city to be elevated, and said elevation of such tracks shall in any wise affect said party of the first part in the privileges granted under this contract, the said first party, as one of the considerations of this contract, hereby waives any and all claims for damages on account of any such proposed elevation.

6. The party of the first part hereby agrees to properly plank said side-track or switch, from property line to property line, of Madison avenue and Minnesota street, to the entire satisfaction of the second party, and in case the said side-track or switch shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which facts the said Board shall be the exclusive judge) it shall be the duty of the said party of the first part to promptly repair or remove the same, failing in which, after a notification, in writing, of ten (10) days, said Board shall do or cause the same to be done at the expense of said party of the first part, and for which expense and cost the said first party shall be liable.

7. The said party of the first part hereby binds itself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said side-track or switch, and to pay any judgment, with costs, that may, on account thereof, be rendered against it or said city.

8. Any violation of any provision of this instrument by said party of the first part or by any one for it, or at its instance or with its permission, shall operate as an absolute forfeiture of the privileges and authority granted or given by this contract, provided, however, that the same may be terminated without cause, at the pleasure of said Board, as hereinbefore set forth in Clause four (4).

Said party of the second part, by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An Act concerning the incorporation and government of cities having more than one hundred thousand population according to the last preceding United States census, and matters connected therewith, and declaring an emergency," approved March 6, 1891, and in consideration of the things hereinbefore set forth, and upon the terms and conditions herein stipulated, hereby gives, grants and duly vests said party of the first part, the right, privilege and authority to lay and maintain a single

switch or side-track across Madison avenue and Minnesota street, in the City of Indianapolis, as follows: Beginning at a point in the west line of Madison avenue, the said point being one hundred and twenty six (126) feet north of the north line of Minnesota street; thence in a southeasterly direction to a point in the south line of Minnesota street, the said point being twelve and one-half (12½) feet east of the east line of Madison avenue. Said right, privilege and authority are granted for the purpose prayed in the petition hereto attached, and as shown by the drawing hereto attached, made a part hereof and marked "Exhibit B."

In witness whereof, we have hereunto set our hands this July 17, 1899.

INDIANAPOLIS HOMINY MILLS,  
By HERVEY BATES, *President*.  
Attest: H. BATES, JR., *Secretary*.  
Party of the First Part.

CITY OF INDIANAPOLIS,  
By M. A. DOWNING,  
W. SCOTT MOORE,  
T. J. MONTGOMERY,  
*Board of Public Works*.  
Party of the Second Part.

Whereas, Said contract has been submitted by said Board to the Common Council of the City of Indianapolis; for its consideration and action; now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That said contract, above set forth, be and the same is hereby, in all things, confirmed and approved.

Sec 2. This ordinance shall take effect and be in force from and after its passage.

Which was read a first time and referred to Committee on Contracts and Franchises.

#### ORDINANCES ON SECOND READING.

On motion of Mr. Costello, the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read a third time:

App. O. No. 13, 1899. An ordinance appropriating the sum of two thousand dollars (\$2,000) for the use of the Department of Public Health and Charities of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

And was passed by the following vote:

AYES 19—viz: Messrs. Allen, Bernauer, Bowser, Clark, Costello, Crall, Higgins, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS—None.

Mr. Harston absent at roll-call, arrived.

On motion of Mr. Knight, the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read a third time:

G. O. No. 34, 1899. An ordinance requiring the Cleveland, Cincinnati, Chicago & St. Louis Railway Company to station and maintain a flagman at the point on Hillside avenue in the City of Indianapolis, where the tracks of said company cross the same, providing a penalty for the violation thereof, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 19—viz.: Messrs. Allen, Bernauer, Bowser, Clark, Costello, Crall, Harston, Knight, Little, Madden, Merrick, Moffett, McGrew, Rauch, Scanlon, Shaffer, Smith, Von Spreckelsen and President Mahoney.

NAYS 1—viz.: Mr. Higgins.

On motion of Mr. Costello the Common Council, at 8:25 o'clock, P. M., adjourned.

*John H. Mahoney*  
President.

ATTEST:

*Chas H. Strickmeyer* City Clerk.